

Message Text

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PAGE 01 KUALA 04395 200616Z
ACTION EA-06

INFO OCT-01 SS-14 ISO-00 HA-02 NSC-05 SP-01 L-01
INR-05 CIAE-00 NSAE-00 DODE-00 /035 W
-----055331 200621Z /11
P 200409Z MAY 78
FM AMEMBASSY KUALA LUMPUR
TO SECSTATE WASHDC PRIORITY 4315

C O N F I D E N T I A L KUALA LUMPUR 4395

LIMDIS

E. O. 11652: GDS
TAGS: PEPR, SREF, SHUM, MY, US
SUBJ: MY DISCUSSION WITH PRIME MINISTER: REFUGEES AND
HUMAN RIGHTS

REF: STATE 125638

1. DURING HOUR-ONG CONVERSATION MAY 19 WITH PRIME
MINISTER HUSSEIN ONN,
I RAISED THE SUBJECT OF REFUGEES BY CALLING ATTENTION
TO THE VICE PRESIDENT'S COMMENTS ON REFUGEES BOTH IN HIS
BANGKOK STATEMENTS AND HIS HONOLULU SPEECH. I EXPRESSED
APPRECIATION FOR MALAYSIA'S CONTINUEUD HUMANITARIAN POLICY
AND PRACTICE IN PROVIDING REFUGEES WITH FIRST ASYLUM, NOTING
THAT THE VICE PRESIDENT HAD TERMED THE INDOCHINA REFUGEES
A "PROFOUND TEST" OF OUR COMMITMENT TO HUMAN RIGHTS. I REFERRED
TO THE VICE PRESIDENT'S MENTION OF OUR PENDING PROGRAM FOR ACCEPTING
AN ADDITIONAL 25,000 REFUGEES FROM SOUTHEAST ASIA ANUALLY,
I SAID THAT I UNDERSTOOD THERE WAS SOME CONCERN WITH HIS
GOVERNMENT ABOUT THE VICE PRESIDENT'S STATEMENT THAT 15,000
TO 20,000 OF THESE REFUGEES WOULD COME FROM THAILAND. I
SAID THAT I WAS CONFIDENT, ON THE BASIS OF OUR PAST PROGRAMS,
THAT OUR NEW PROGRAM WOULD PROVIDE SUFFICIENT FLEXIBILITY
TO ENSURE MALAYSIA'S FULLAND FAIR SAHRE OF THE PROGRAM.
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PAGE 02 KUALA 04395 200616Z

I ALSO LEFT WITH THE PRIME MINISTER A BRIEF STATISTICAL
UPDATE ON THE NUMBERS OF REFUGEES CURRENTLY IN CAMPS, OUR
RECORD OF DEPARTURES, AND OUR ESTIMATE OF FUTURE DEPARTURES.
THE PRIME MINISTER APPEARED TO APPRECIATE MY PRESENTA-
TION AND GAVE EVERY EVIDENCE OF RECOGNIZING THAT THE REFUGEE
PROBLEM WOULD BE WITH MALAYSIA FOR SOMETIME TO COME, AND THAT
THE BURDEN IT IMPOSED ON MALAYSIA WOULD BE TOLERABLE AS LONG

AS HE COULD POINT OUT DOMESTICALLY THAT AMERICA AND OTHER COUNTRIES WERE DOING THEIR FAIR SHARE.

2. IN ACCORDANCE WITH THE DEPARTMENT'S INSTRUCTIONS IN REFTTEL, I ALSO RAISED THE SUBJECT OF DETAINEES IN MALAYSIA. I RECALLED THE LAUDATORY STATEMENTS ABOUT MALAYSIA'S HUMAN RIGHTS RECORD MADE TO HUSSEIN LAST FALL DURING HIS MEETING WITH THE PRESIDENT AND THE VICE PRESIDENT AT LUNCH. HOWEVER, I SAID I HAD BEEN ASKED TO BRING TO HIS ATTENTION THE GROWING CONCERN OF MY GOVERNMENT THAT DETAINEES HELD FOR INDEFINITE PERIODS WITHOUT CHARGES COULD BECOME A FOCUS OF CRITICISM IN THE CONGRESS AND ELSEWHERE IN THE UNITED STATES. THE PRIME MINISTER SAID HE COULD UNDERSTAND HOW AMERICANS, WHO WERE NOT ENDANGERED BY AN INTERNAL COMMUNIST THREAT, HAD DIFFICULTY IN ACCEPTING THE NECESSITY OF AN INTERNAL SECURITY ACT TO DEAL WITH THE VERY REAL THREAT THAT MALAYSIA AND OTHER COUNTRIES FACED IN SOUTHEAST ASIA. IN FACT, AS A LAWYER AND AS ONE RAISED IN THE TRADITION OF A PARLIAMENTARY DEMOCRACY, HE HIMSELF FACES A DILEMMA IN THIS REGARD. ALTHOUGH HE MIGHT PERSONALLY PREFER NOT TO HAVE TO USE AN INTERNAL SECURITY ACT, IT WAS A NECESSARY INSTRUMENT IN THE CIRCUMSTANCES MALAYSIA HAS FACED SINCE THE DAYS OF ITS EMERGENCY. HE SAID THAT IF HE WERE TO TRY TO REPEAL MALAYSIA'S INTERNAL SECURITY ACT THERE WOULD BE A GREAT OUTCRY AGAINST HIM, AND IN FACT HE WOULD BE DEPRIVING THE GOVERNMENT OF CONFIDENTIAL

CONFIDENTIAL

PAGE 03 KUALA 04395 200616Z

THE ONLY EFFECTIVE TOOL IT HAD TO DEAL WITH SUBVERSION.

3. HE AND HIS PREDECESSORS HAD THUS CONCLUDED THAT IT WAS BETTER TO PROTECT THE FREEDOM OF 13 MILLION MALAYSIANS BY EMPLOYING THE INTERNAL SECURITY ACT SELECTIVELY AGAINST SUBVERSIVES THAN TO ENDANGER THE FREEDOM OF ALL. HUSSEIN WENT ON TO EMPHASIZE THAT THE INTERNAL SECURITY ACT IS A DULY ENACTED LAW AND THAT IT IS FOLLOWED SCRUPULOUSLY. HE SAID THAT IT PROVIDES FOR A REVIEW PROCEDURE BY AN INDEPENDENT PANEL OF JUDGES OR LAWYERS WHO MUST REVIEW EACH CASE EVERY SIX MONTHS. HE SAID WE MIGHT NOT BELIEVE IT BUT THIS REVIEW PROCEDURE WAS GENUINELY INDEPENDENT AND THAT THE GOVERNMENT HAD TO ABIDE BY ITS FINDINGS. HE STRESSED THAT THE GOM MADE A DISTINCTION BETWEEN POLITICAL PRISONERS, WHICH IT CLAIMED NOT TO HOLD, AND PRISONERS DETAINED FOR SECURITY REASONS UNDER THE ISA.

4. I SAID THAT I THOUGHT THERE WAS WIDE UNDERSTANDING IN THE UNITED STATES OF A GOVERNMENT ACTING

IN ACCORDANCE WITH ADULY ENACTED LAW BUT THAT THE
FOCUS OF CRITICISM IN THE UNITED STATES WAS LARGELY
ON THE LACK OF TRIAL AND CONVICTION OF MANY OF THESE
DETAINEES. HUSSEIN SAID THAT IN FACT THE REVIEW
PROCEDURE, WHICH REQUIRED THE PANEL TO CONFRONT THE
DETAINEE EVERY SIX MONTHS, PROVIDED A MEANS FOR
INFORMING THE DETAINEE OF THE CHARGES AGAINST HIM.
HOWEVER, HE CONTINUED, MALAYSIA FOLLOWS THE BRITISH
TRADITION ON RULES OF EVIDENCE, AND THESE RULES ARE
SO STRICT THAT MUCH OF THE EVIDENCE USED TODETAINE
SUBERSIVES WOULD NOT BE USEABLE IN THE COURTS.
HE ACKNOWLEDGED THAT THERE MAY BE SOME INNOCENT
VICTIMS OF THIS PROCEDURE, BUT HE BELIEVED THAT
THE THREAT MALAYSIA FACED FROM SUBVERSION REQUIRED
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PAGE 04 KUALA 04395 200616Z

THE GOVERNMENT TO HAVE SUCH A TOOL TO PRESERVE
INTERNAL SECURITY.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PRIME MINISTER, REFUGEES, HUMAN RIGHTS
Control Number: n/a
Copy: SINGLE
Draft Date: 20 may 1978
Decaption Date: 20 Mar 2014
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978KUALA04395
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780212-0778
Format: TEL
From: KUALA LUMPUR
Handling Restrictions:
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780538/aaaabfsf.tel
Line Count: 139
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: d46f179a-c288-dd11-92da-001cc4696bcc
Office: ACTION EA
Original Classification: CONFIDENTIAL
Original Handling Restrictions: LIMDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: LIMDIS
Reference: 78 STATE 125638
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 11 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2629617
Secure: OPEN
Status: NATIVE
Subject: MY DISCUSSION WITH PRIME MINISTER: REFUGEES AND HUMAN RIGHTS
TAGS: PEPR, SREF, SHUM, MY, US
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/d46f179a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014